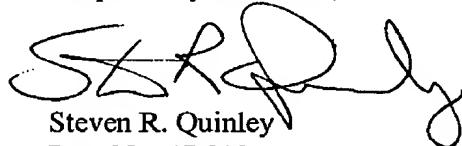


States Patent No. 6,442,531 ("Goodwin '531"). No grounds which did not rely upon Goodwin '704 or Goodwin '531 were cited in rejecting claims 1-14, all of the pending claims.

The present response is being filed in conjunction with a Showing of Common Ownership which serves to exclude Goodwin '704 and Goodwin '531 as prior art under 35 U.S.C. 102(e), and thus, 35 U.S.C. 103(a). Consequently, Goodwin '704 and Goodwin '531 are not "prior" art and this case should be promptly allowed and the application proceed to issue as no other references are relied upon in rejecting claims 1-14.

Respectfully submitted,



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Atty. Docket No. Henderson 1-5-1 (100.2472)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bhyravabhotla

Serial No.: 09/450,551

Filed: November 30, 1999

For: METHODS AND APPARATUS FOR SELF-DIAGNOSING ELECTRONIC
PRICE LABELS

Group: 3627

Examiner: Rudy, Andrew

Durham, North Carolina
May 21, 2003Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450SHOWING OF COMMON OWNERSHIP
PURSUANT TO 37 C.F.R. § 1.104(a)(5)(i)

Dear Sir:

In a final Official Action mailed on April 9, 2003, claims 1-14 of the present application were rejected under 35 U.S.C. § 103(a) based on Goodwin III, et al. United States Patent No. 6,430,704 ("Goodwin '704"), which issued on August 6, 2002 from an application filed on October 27, 1999. Claims 1-14 were also rejected under 35 U.S.C. § 103(a) based on Goodwin III, et al. United States Patent No. 6,442,531 ("Goodwin '531"), which issued on August 27, 2002 from an application filed on August 20, 1999. No grounds which did not rely upon Goodwin '704 or Goodwin '531 were cited in rejecting claims 1-14.

It is first respectfully noted that, although not explicitly set forth in the final Official Actions, the rejections of claims 1-14 were statutorily based upon 35 U.S.C. § 102(e) with respect to Goodwin '704 and Goodwin '531 because they issued after November 30, 1999, the filing date of the present application. 35 U.S.C. § 103(c), as applicable to all applications filed on or after November 29, 1999, states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

At the time the present invention was made, the present invention, Goodwin '704 and Goodwin '531, were owned by, or subject to an obligation of assignment to, the same person, NCR Corporation. Pursuant to 37 C.F.R. § 3.73(b)(1)(i) and 37 C.F.R. § 3.73(b)(1)(ii), ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by:

- (i) Documentary evidence of a chain of title from the original owner to the assignee (e.g. copy of an executed assignment). The documents submitted to establish ownership may be required to be recorded pursuant to §3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office; or
- (ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

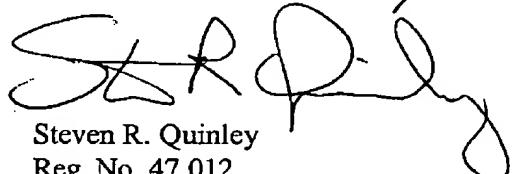
The assignment information for the present invention, Goodwin '531 and Goodwin '704 are as follows:

Present invention: Reel 010421, Frame 204-06, recorded November 30, 1999;
Goodwin '531: Reel 010192, Frame 287-89, recorded August 20, 1999; and
Goodwin '704: Reel 8719, Frame 926-29, recorded April 22, 1997.

All of these assignments convey the entire rights in the respective inventions to NCR Corporation, a corporation of the State of Maryland, having its principal place of business in Dayton, Ohio. Thus, pursuant to 37 C.F.R. § 3.73(b)(1)(i) and 37 C.F.R. § 3.73(b)(1)(ii), it is respectfully submitted that the necessary showing of common ownership has been made.

Thus, 35 U.S.C. § 103(c), as amended, serves to exclude both Goodwin '531 and Goodwin '704 as prior art for the present application, because the filing of the present application herewith is subsequent to November 29, 1999.

Respectfully submitted,



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